

State of Minnesota

County _____

District Court

Judicial District: _____

Court File Number: _____

Case Type: _____

Family

In Re the Marriage of:_____
Name of Petitioner

and

Name of Respondent**Affidavit in Support of
Motion to Change Custody**STATE OF MINNESOTA)
) SS
COUNTY OF _____)

Instructions: If you are only asking the Court to change legal custody, answer questions 1 through 11, 20 and 21. If you are asking the Court to change physical custody or both physical and legal custody, answer all questions.

My name is _____ and I state under oath that:

1. I am the (*check one*): ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ other in this case, and I make this *Affidavit* in support of my *Motion to Change Custody*. My relationship to the child(ren) is _____.
2. A juvenile court proceeding or child protection case involving any or all of the children in this case is open: ☐ YES ☐ NO. If YES, this case is in _____ County in the State of _____, and the file number is _____. The child protection worker's name is _____. A copy of the Order is attached.
3. An *Order for Protection* involving me and the other party and/or the child(ren) exists:
☐ YES ☐ NO. If YES, it is in _____ County in the State of _____ and the file number is _____. A copy of the Order for Protection is attached.
4. The child(ren) currently live with: ☐ Petitioner/Plaintiff ☐ Respondent/Defendant who is the child(ren)'s: ☐ Mother ☐ Father ☐ Other relation to the children. The address of the

child(ren) is _____ in the City of _____, State of _____, zip code _____.

5. The current custody order which I am requesting be modified is dated .
6. The current order grants **legal** custody of the child(ren) as follows:
☐ Sole legal custody to: ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other ☐ Joint legal custody to: ☐ both parties ☐ other _____.
7. Legal custody identifies which parent(s) have the right to make decisions regarding the upbringing of the child including education, health care and religious training.
☐ I do not want to change **legal** custody.
☐ I want to change **legal** custody to:
☐ Sole legal custody in favor of _____, **or**
☐ Joint legal custody to both parents
8. The current order grants **physical** custody of the child(ren) as follows:
☐ Sole physical custody to: ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other
☐ Joint physical custody to both parties.
9. Physical custody identifies the person(s) with whom the child(ren) will live.
☐ I do not want to change **physical** custody.
☐ I want to change **physical** custody to:
☐ Sole physical custody in favor of _____, **or**
☐ Joint physical custody to both parents
10. I want to change physical and/or legal custody, or modify a parenting plan provision specifying the child's primary residence, because: **(check all that apply):**

☐ a. A change of custody is in the best interests of the child(ren) **and** the parties previously agreed, in a writing approved by a court, to apply the best interests standard from Minnesota Statutes section 518.17 or 257.025 (**Attach a copy of the court order approving the agreement**) and either: **(check one)**
☐ i. Each party was represented by an attorney when the agreement was approved by the

court OR

- ☐ ii. The court made a finding in the Order approving the agreement that the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications.

The change of primary residence is in the best interests of the child(ren) because:

(Explain in detail) _____

_____.

☐ b. Both parties have agreed that it is in the best interests of the minor child(ren) to change custody. **Attached is our signed and notarized agreement.** (Note: The Agreement **MUST** do more than just state that a change of custody is in the best interests of the minor child(ren). **It MUST explain in detail HOW and WHY the change will be in the child(ren)'s best interests.**)

☐ c. The child(ren) has/have been living with me since the date: _____.

- The child(ren) came to live with me because *(describe the reason(s) the child(ren) came to live with you)*: _____

_____.

- The child(ren) has/have become integrated into my home in the following way: (give specific examples): _____

_____.

- The child is living with me with the consent of the other parent. ☐ YES ☐ NO.
If YES, the other parent has said or done the following to make me believe he or she agrees that the child should live permanently with me _____

- ☐ d. My child is in danger if s/he lives with the other parent.*

The other parent is putting the child in danger by doing the following: (Give very specific facts and details): _____

* If an extreme emergency exists, request an expedited hearing.

- ☐ e. The other parent has denied or interfered with my court-ordered parenting time/visitation. The following is a list of each date, in the past 6 months, that I was denied parenting time, and an explanation of exactly what the other parent did on each date to stop my parenting time: _____

11. I understand that the court cannot change custody unless there is a change in the circumstances of the child or parents since the last custody order. The following is a description of the changes that are a basis for modifying the most recent custody order or parenting plan: _____

12. I understand that moving a child to a different family and home can be stressful for the child. I believe that living with the other parent is more harmful to my child(ren) than the stress of moving to a new home and family because: _____

13. I understand that the Judge must decide custody based on what is best for my child(ren), and that by filling in (a) through (m) of this paragraph 13, that I am giving the Judge information needed to make that decision.

a. Describe the custody arrangement you want: _____

Describe the custody arrangement the other parent wants: _____

b. Describe the custody arrangement the child wants: (if the child is old enough to decide) _____

Describe what you do each and every day to take care of your child(ren): (be very detailed) _____

c. In contrast, the other parent does the following each day to take care of the child:

d. Describe the closeness of the relationship of each parent and child: _____

e. Describe the interaction of the child(ren) with each parent, brother, sister, and anyone else who is important to the child(ren) and how that will change with a change in custody: _____

f. Describe the child(ren)'s adjustment to home, school and community:

g. Describe the length of time the child(ren) has/have lived in a stable satisfactory place and the need to stay in that place: _____

h. Describe the permanence, as a family unit, of the existing or proposed custodial home: _____

-
-
- i. Describe the mental and physical health of all individuals involved:

- j. Describe the ability of each parent to give the child(ren) love, affection and guidance and continue educating and to raise the child(ren) in the child(ren)'s culture, religion or creed, if any: _____

- k. Describe the child(ren)'s unique cultural needs and what role you play in meeting the cultural needs; then describe the role the other parent plays:

- l. There: ☐ is ☐ is not domestic abuse in my household. The following people are involved in the domestic abuse: (tell how the people are related to the child(ren) and/or to you): _____

The domestic abuse in my household affects the child(ren) in the following way:

- m. There ☐ is ☐ is not domestic abuse in the other parent's household. The following people are involved in the domestic abuse: (tell how the people are related to the child(ren) and/or to the other parent): _____

The domestic abuse in the other parent's household affects the child(ren) in the following way:

- n. Describe what you will do to encourage and permit frequent and continuing contact by the other parent with the child(ren); (except when there is domestic abuse):

- o. Describe what the other parent does to encourage or discourage your contact with the child:

14. If the court changes physical custody, the parenting time schedule should be changed. (Check all that apply. Be as complete as possible.)

- a. **Changing the existing parenting time/visitation schedule to the following schedule:**

Weekends: _____

Week nights or after school: _____

Holidays: _____

Summer: _____

School Holidays: _____

Telephone contact: _____

Other: _____

☐ b. Requiring **supervised parenting time** because: _____

Parenting time should be supervised by: _____

NOTE: You and the other party may have to pay a fee for each supervised visit.

Who should pay the fee? _____

☐ c. Requiring that the child(ren) be transferred **at a visitation exchange center** if one is located in the area and for both parties to follow all rules of the visitation exchange center. **NOTE:** The visitation exchange center may require the parties to pay a fee for such an exchange. Who should pay the fee? _____

☐ d. Requiring that the child(ren) be transferred at: _____

15. Medical insurance for the child(ren) totals \$ _____ per month and is currently provided by (*check one*):

☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Shared by both parties

16. Child care expenses for the child(ren) total \$ _____ per month and are currently paid by (*check one*):

☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Shared by both parties

If shared, Petitioner/Plaintiff pays \$ _____ and Respondent/Defendant pays \$ _____ per month.

17. If physical custody is changed, child support will be changed. The current child support order requires: ☐ Petitioner/Plaintiff ☐ Respondent/Defendant to pay \$ _____ per: ☐ week ☐ month to: ☐ Petitioner/Plaintiff ☐ Respondent/Defendant.

I believe the other party works at _____ and earns **gross** \$ _____ per: ☐ week ☐ month ☐ year ☐ other _____; and earns **net** \$ _____ per: ☐ week ☐ month ☐ year ☐ other _____. I believe the other party has monthly living expenses totaling approximately \$ _____.

18. My current gross income per month is \$ _____. My current net income per month is \$ _____ from the following sources (*list all sources, such as employer, public assistance, or other source.*) _____

I have the following additional sources of income: (for example, child support for other children, pensions, Supplemental Security Income, retirement and survivors disability income, renters income, other):

| | |
|---------------|----------|
| Source: _____ | \$ _____ |
| Source: _____ | \$ _____ |
| Source: _____ | \$ _____ |
| Source: _____ | \$ _____ |

19. My monthly expenses at the time of the existing order, compared to now, are as follows:

| | | Monthly Payment | |
|--------------------------------|---|--------------------------|---------------------|
| | | at Existing Order | Present Time |
| a. | <input type="checkbox"/> House payment or <input type="checkbox"/> Rent | \$ _____ | \$ _____ |
| b. | Real estate taxes, if not included in (a) | \$ _____ | \$ _____ |
| c. | Insurance: | | |
| | Homeowners, if not included in (a) | \$ _____ | \$ _____ |
| | Auto | \$ _____ | \$ _____ |
| | Life | \$ _____ | \$ _____ |
| d. | Utilities: | | |
| | Gas | \$ _____ | \$ _____ |
| | Electricity | \$ _____ | \$ _____ |
| | Telephone | \$ _____ | \$ _____ |
| | Water and Garbage (average expense) | \$ _____ | \$ _____ |
| | Cable TV | \$ _____ | \$ _____ |
| e. | Food | \$ _____ | \$ _____ |
| f. | Clothes | \$ _____ | \$ _____ |
| g. | Laundry/Dry cleaning | \$ _____ | \$ _____ |
| h. | Personal allowances and incidentals | \$ _____ | \$ _____ |
| i. | Magazines and newspapers | \$ _____ | \$ _____ |
| j. | Uninsured dental expenses | \$ _____ | \$ _____ |
| k. | Uninsured medical expenses | \$ _____ | \$ _____ |
| l. | Transportation expenses: | | |
| | Car payment | \$ _____ | \$ _____ |
| | License | \$ _____ | \$ _____ |
| | Gasoline | \$ _____ | \$ _____ |
| | Auto repairs | \$ _____ | \$ _____ |
| m. | Recreation/Entertainment | \$ _____ | \$ _____ |
| n. | Children's needs (sports, school, hobbies) | \$ _____ | \$ _____ |
| o. | Allowances | \$ _____ | \$ _____ |
| p. | Other (list) _____ | \$ _____ | \$ _____ |
| q. | Charge accounts and loans (list them): | | |
| | Name of Account Balance Owed | | |
| | 1. _____ \$ _____ | \$ _____ | \$ _____ |
| | 2. _____ \$ _____ | \$ _____ | \$ _____ |
| | 3. _____ \$ _____ | \$ _____ | \$ _____ |
| TOTAL MONTHLY EXPENSES: | | \$ _____ | \$ _____ |

Print the names of all people living with you who are included in your monthly household expenses:

_____.

20. At paragraph/question 7 or 9 of this *Affidavit*, I asked the Court for joint custody:

☐ YES ☐ NO. (If NO, go to question 21. If YES, fill in the rest of question 20).

I provide the following information to help the judge decide if joint custody is appropriate:

a. Describe the ability of the parents to cooperate in rearing their child(ren):

b. Describe the methods parents have for working through disagreements regarding major decisions about the child(ren)'s life and their ability to use these methods: _____

c. Describe whether it would be harmful to the child(ren) if one parent had total authority over the child's upbringing: _____

d. Describe whether domestic abuse as defined in Minn. Stat. § 518B.01 has occurred between the parents: _____

21. The following is additional information regarding the reasons I am requesting a change of custody_

Dated: _____

Sworn/affirmed before me this

_____ day of _____, _____.

Notary Public \ Deputy Court Administrator

Signature (*Sign only in front of notary public or court administrator.*)

Name: _____

Address: _____

City/State/Zip: _____

Telephone: (_____) _____